## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

THE UNITED STATES OF AMERICA,		)
	Plaintiff,	) Civil Action No. 05-10112 JLT
V.		)
THE COMMONWEALTH OF MASSACHUSETTS, et al.		) ) ) )
	Defendants.	) ) )

## PLAINTIFF'S MOTION FOR JUDGMENT ON THE PLEADINGS

COMES NOW the Plaintiff, the United States of America, by and through its undersigned counsel, and moves this Court to enter judgment on the pleadings in favor of Plaintiff pursuant to Fed. R. Civ. P. 12(c) as to all of Plaintiff's claims, for the reasons set forth in the accompanying Memorandum of Law.

Pursuant to Local Rule 7.1(a)(2), undersigned counsel conferred by telephone with counsel for Defendants the Commonwealth of Massachusetts, et al. on May 11, 2005, and with counsel for Intervenor-Defendant the Coalition for Buzzards Bay on May 13, 2005. Counsel for those parties represented to undersigned counsel that those parties would oppose this Motion.

// // // // // // // // // // DATED this 23d day of May, 2005.

RADM John E. Crowley Judge Advocate General

CAPT William D. Baumgartner Robert W. Bruce Andrew J. Turner Attorneys U.S. Coast Guard

OF COUNSEL

Respectfully Submitted,

PETER D. KEISLER Assistant Attorney General

MICHAEL SULLIVAN United States Attorney MARK T. QUINLIVAN Assistant United States Attorney

/s/ Steven Y. Bressler

ARTHUR R. GOLDBERG D.C.B. 180661 STEVEN Y. BRESSLER D.C.B. 482492 Attorneys, Civil Division United States Department of Justice P.O. Box 833 Washington, D.C. 20044 Telephone (202) 514-4781 Facsimile (202) 318-7609 Steven.Bressler@USDOJ.gov